

Notice of Allowability	Application No.	Applicant(s)	
	10/764,095	DURHAM ET AL.	
	Examiner	Art Unit	
	REDENTOR M. PASIA	2474	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/17/2010.
2. ☒ The allowed claim(s) is/are 1, 3-5, 15-17 and 19 (renumbered as 1-8).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>See Continuation Sheet</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>05/06/2010</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|---|

/Redentor M Pasia/
Examiner, Art Unit 2474

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2474

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 04/02/2010, 05/07/2010.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with 05/06/2010 on Mr. David A. Jones (Reg. No. 50,004).

The application has been amended as follows:

- **Claim 1 is amended as follows:**

1. A method for defining a common time base suitable for use in connection with the operation of a multi-link protocol analyzer in a multi-protocol communications system, the method comprising:

determining a first protocol clock frequency at a first link analyzer of the multi-link protocol analyzer, the first protocol clock frequency being associated with a first communications protocol associated with the multi-protocol communications system;

determining a second protocol clock frequency at a second link analyzer of the multi-link protocol analyzer, the second protocol clock frequency being associated with a second communications protocol associated with the multi-protocol communications system, wherein the second protocol clock frequency is unrelated to the first protocol clock frequency; and

using the first and second protocol clock frequencies as a basis for determining a reference clock frequency, where the reference clock frequency is different from each of the first and second protocol clock frequencies, wherein using the first and second protocol clock frequencies as the basis for determining the reference clock frequency comprises selecting a reference clock frequency that is an integer multiple of each of the first and second protocol clock frequencies.

- **Claim 2 is cancelled.**

- **Claim 3 is amended as follows:**

3. The method as recited in claim 1, wherein using the first and second protocol clock frequencies as [[a]] the basis for determining the reference clock frequency comprises selecting the reference clock frequency to be higher than the first and second protocol clock frequencies.

- **Claim 5 is amended as follows:**

5. The method as recited in claim 1, further comprising using the reference clock frequency as [[a]] the basis to determine at least one of the following: a relative chronological order of selected data events concerning the multi-protocol communications system; and, relative timing of selected data events concerning the multi-protocol communications system.

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- **Claims 6-14 are cancelled.**

- **Claim 15 is amended as follows:**

15. A protocol analyzer configured for use in connection with processing data events associated with a multi-protocol communications system, the protocol analyzer comprising:

a first link analyzer configured to receive data from a first communication link, wherein the first link is associated with a first protocol clock frequency, the first protocol clock frequency being associated with a first communication protocol; and

a second link analyzer in at least indirect communication with the first link analyzer and configured to receive data from a second communication link, wherein the second link is associated with a second protocol clock frequency, the second protocol clock frequency being associated with a second communication protocol, the second protocol clock frequency being unrelated to the first protocol clock frequency;

wherein each of the first and second link analyzers are also configured to receive and transmit a trigger and a reference clock, and each of the first and second link analyzers are further being configured to timestamp data in association with the reference clock, wherein the reference clock is defined determined by the first and second protocol clock frequencies, the reference clock being different from each of the first and second protocol clock frequencies, wherein the reference clock has a frequency that is an integer multiple of each of the first and second protocol clock frequencies associated with the multi-protocol communications system.

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- **Claim 18 is cancelled.**

- **Claims 20-40 are cancelled.**

2. The following is an examiner's statement of reasons for allowance:

3. **Claims 1, 3-5, 15-17 and 19 (renumbered as 1-8)** are allowed. Examiner believes that the record of the prosecution as a whole does make clear the reasons for allowing claims 1, 3-5, 15-17 and 19 (renumbered as 1-8). Please refer to record of prosecution.

4. **Claims 1, 3-5, 15-17 and 19 (renumbered as 1-8)** are allowable. The restriction requirement among species, as set forth in the Office action mailed on 12/24/2008, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 6-14, 20-40, directed to non-elected specie remains withdrawn from consideration because they do not require all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

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Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REDENTOR M. PASIA whose telephone number is (571)272-9745. The examiner can normally be reached on M-Th 6am to 2pm EST and Fridays 6am-430pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Aung Moe can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
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